

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DEREK ALLEN,	:	
	:	
Petitioner,	:	Civil Action No.
	:	09-4162 (RBK)
	:	
v.	:	<u>ORDER</u>
	:	
PENNSLYVANIA PAROLE BOARD,	:	
	:	
Respondent.	:	
	:	

For the reasons stated in the Opinion filed herewith,

IT IS on this 5th day of October , 2009,

ORDERED that the Petition is dismissed, with prejudice, as to Petitioner's detainer-based claims against the Bureau of Prisons; and it is further

ORDERED that the Petition is dismissed, without prejudice, as to Petitioner's claims against the Bureau of Prisons seeking credit against Petitioner's federal sentence. Such claims should be raised in a new and separate § 2241 matter, upon due exhaustion of Petitioner's administrative remedies; and it is further

ORDERED that Petitioner's claims against the Attorney General for the State of Pennsylvania are dismissed without prejudice, as unexhausted. Such Claims should be raised in a new and separate § 2254 matter upon due exhaustion of these claims in

Pennsylvania state courts; such action should be filed in a federal court of appropriate venue; and it is further

ORDERED that, within thirty days from the date of entry of this Order, Petitioner shall submit to the Clerk Petitioner's filing fee of \$5.00 or Petitioner's in forma pauperis application; and it is further

ORDERED that the Clerk shall serve copies of this Order and accompanying Opinion upon Petitioner by regular U.S. mail, together with *three* blank applications to proceed in forma pauperis in a habeas matter, one blank § 2241 petition form and one blank § 2254 petition form; and it is finally

ORDERED that the Clerk shall close the file on this matter.

s/Robert B. Kugler

Robert B. Kugler
United States District Judge